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IN THE

# Supreme Court of the United States

No. 535 OCTOBER TERM 1961.

ROOSEVELT MOORE,
*Petitioner,*

*vs.*

JACK P. HENNESSY CO., INC.,
*Respondent.*

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ROOSEVELT MOORE,
*Petitioner,*

*vs.*

ATLAS SUPPLY COMPANY, INC.,
*Respondent.*

## PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT.

ROOSEVELT MOORE,
*Pro Se, Appellant,*
18 Wayne Avenue,
East Orange, New Jersey.

Arthur W. Cross, Inc., Law Printers, 71-73 Clinton Street, Newark 5, N. J.—MArket 3-4994

## TABLE OF CONTENTS.


| | PAGE |
|---|---|
| PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT.. | 1 |
| STATEMENT OF FACTS ..... | 2 |
| ARGUMENT ..... | 3 |
| Point I. Referring to Part No. 3..... | 3 |
| Point II. Referring to Part No. 4 and 5 ..... | 4 |
| Point III. Referring to Dickey's patent—June 8th, 1926, Patent No. 1,587,634 ..... | 5 |
| Final Judgment ..... | 10 |
| Sketch of Wheel Clamp ..... | 11 |

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## PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT.

Petitioner Roosevelt Moore prays that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Third Circuit entered in the above entitled cause on August 8, 1961, which judgment affirmed on the opinion below the final order of the United States District Court for the District of New Jersey.

## Statement of Facts.

This patent arose out of Taspo, India, in October 1944, when I proved to the Colonel of the Post that these parts were good and were never invented. I was given a Citation and Patent Application for this invention. I am submitting to you a description of the Citation and Patent Application:

> "CITATION: Corporal Roosevelt Moore, 32466908, Air Corps, for distinguishing himself by meritorious achievement in connection with military operations against the enemy during the period October 1944 to March 1945. As a member of the Tire Change Crew of the Aircraft Maintenance Department ***AAF Base Unit, Corporal Moore conceived and developed a set of tools used in the changing of nosewheel tires on several types of aircraft. These tools have served to eliminate entirely the tire damage that previously occurred in the changing of these tires, and has reduced by eighty-nine percent (89%) the number of man hours required to perform this operation. As a result of his ingenuity, ability and devotion to duty, Corporal MOORE has performed services which are of a material value to the allied war effort and has reflected the highest credit on himself and the Army Air Forces of the United States."

> "PATENT . . . SEPARATION QUALIFICATION RECORD No. 13. Served in the China, Burma, India Theater of Operations; in India for a period of 15 months. Maintained aircraft tires and wheels; changed flats with own invention which facilitated less damage to tire and less labor; maintained and made minor repairs to equipment; received patent application

which was accepted and used widely by the Army Air Force."

Thanking the Honorable Thomas F. Meaney for his recommendation.

## ARGUMENT.

In reading Judge Meaney's opinion, he did not find all of the five parts in the old patent for which I sued the Companies. He did find *No. 1 Part*, which is a center post in the old patent, also in the new patents, but he did not find No. 2 Part, which is a collar, sleeve, adaptor, or a wheel protector, which slips over said fixed pivot *No. 1*, which wedges between the hub of the wheel and the counter post *No. 1* for the purpose of locking the wheel, also for the purpose of putting pressure between the head of the tire and said fixed pivot *No. 1*.

## POINT I.

Referring to Part No. 3. The Honorable Thomas F. Meaney did not find it in the old patents. He did find it in the new patents which is Moore's Pin 5 or 5, which is mounted beside said fixed pivot *No. 1* which comes through any hole of the wheel excepting the center hole, which keeps the wheel from spinning around *No. 1* center post. He also finds it in the Companies' machine and the Coats' patent. This pin is hidden behind said fixed pivot *No. 1* directly opposite the hook pin which you see in front of said fixed pivot *No. 1* in the Coats' patent. I am asking the

Court to let me sue for six years profit damage for this pin alone. He did find a clamp in the Weaver patent and the J. Sternaman, Jr., patent, dated June 1st, 1920, Patent No. 1,341,726. This clamp locks the outer part of the rim of the wheel of the Weaver Patent, which my Pin 5 or 5 does not have anything to do with.

## POINT II.

Referring to Part No. 4 and 5. The Honorable Thomas F. Meaney did find horizontal and vertical rollers in the old patent. He also finds horizontal and vertical rollers in the new patent but he did not find a horizontal or vertical roller mounted on the third arm or the second arm, which is mounted on the first arm at approximately 90 degrees with the same adjustability between the wheel flange or the bead of the tire and the center bar as the Moore patent and the Companies' patent or machine, which is *Fig. 4* in the Moore's patent, and *Fig. 6* in the Coats' patent. You will notice that the Company is not using their *Fig. 4* with rollers at approximately 90 degrees. They are using *Fig. 6*. You will have to turn to *Fig. 6* down to 45 degrees to understand it. You will find it to be the same as Moore's *Fig. 4*.

## POINT III.

**Referring to Dickey's patent—June 8th, 1926, Patent No. 1,587,634.**

The Honorable Thomas F. Meaney did find rollers which come in contact with the bead of the tire but not with the principles as the Moore's Arms on which his rollers are mounted. Dickey's rollers are mounted on a sleeve across the first arm in sliding position. He also has a hinge between the sleeve and said Fixed Pivot *No. 1.* I hope the Honorable Judge Meaney will forgive me for this remark, I do feel he is trying to give me Dickey and Weaver Parts, which are not workable, and take the Moore parts and give them to the Coats Company, Jack P. Hennessy and Atlas Supply Co. Machine, which are workable.

The reason for the delay in bringing this case to Court, as dated by the Honorable Judge Meaney, June 30th, 1958, and June 25, 1959, was because I could not get a lawyer to help me from the date Moore's Patent was issued September 27, 1949, until the dates submitted. While speaking of back dates, I would like to have sued these Companies in late 1947 because that is when I first saw the machines in operation with the Moore's parts for which I am now suing.

Referring to Exhibits D-6 and D-11, these I am not interested in. I did not sue the Companies for either of these parts.

Referring to Exhibits D-8 and D-7, I did sue the Companies for these. They have been described in *Fig. 3* of the

Coats' patent, and *Fig. 6* of the Coats' patent, and *Fig. 4* of the Moore's patent.

1. I will ask the Court to allow the Companies and myself to submit a working model.

2. I will ask the Court to let the Companies and myself demonstrate each part as we speak about it.

3. I will ask the court to let these questions be answered:

REFERRING TO PART NO. 2.

(a) Does the Coats Company have a collar, sleeve, adaptor, or a wheel protector which slips over said fixed pivot *No. 1?* That part is *Fig. 3* in the Coats' Co. Patent.

(b) Does the Moore's patent record dated back to October 1944, have a collar, sleeve, adaptor, or a wheel protector which slips over said fixed Pivot *No. 1.* You will find that part hidden in *Fig. 4* of the Moore's patent; you will also find it in a photostatic copy which I will ask the Court to allow me to submit.

(c) Do you find the same part in the Dickey or Weaver, or any of the old patents?

REFERRING TO PART NO. 3.

(a) Do you find a side pin in the Companies' machine to keep the wheel from spinning around said fixed Pivot *No. 1?*

(b) Do you find a side pin in the Moore's patent to keep the wheel from spinning around said fixed Pivot *No. 1?*

(c) Do you find the same pin in the Dickey or Weaver or the old patents?

Referring to Part No. 4 and 5.

(a) Do you find a horizontal or vertical roller mounted on the third or the second arm which is mounted on the first arm at approximately 90 degrees in the Coats' patent or the Companies' machine? That part is *Fig. 6* in the Coats' patent.

(b) Do you find a horizontal or vertical roller mourted on the third or the second arm which is mounted on the first arm at approximately 90 degrees in the Moore's patent? That part is *Fig. 4* in the Moore's patent.

(c) Do you find the same in the Dickey or Weaver or the old patents.

The Machine from Judge Meaney's office will only be for show, not for demonstration.

I do know that the Government froze my patent and parts, giving the Companies first preference. If my patent had been issued as it should have been in 1946 at the Separation Center, I would not have this trouble.

Roosevelt Moore, Plaintiff-Appellant, respectfully requests the following:

A. The Court to allow me to sue the Atlas Supply Company for Two Million Dollars ($2,000,000) for claiming and selling Pin 5 or 5, which is discovered in the Atlas Tire Changer Machine, Model A-3, Ser. No. A200416, Atlas Supply Company, 744 Broad Street, Newark, New Jersey, or whatever main office of that Company the Court desires, even if I lose the other four (4) parts.

B. The Court to allow me to sue the Jack P. Hennessy Company, Inc., 12 Depot Square, Englewood, New Jersey, for Two Million Dollars ($2,000,000) for selling my pin 5 or 5, which is in the Coats Company machine, even if I lose the other four (4) parts. The reason for suing for this amount is because I feel that this is six years profit damage.

C. I did ask Judge Meaney to let me sue the Government for Five Million Dollars ($5,000,000) for "Hidden Slave" of the Moore's patent. What I mean by that is that the Government froze the Moore's patent giving first preference to the Coats Company and the other Companies.

D. The Court to protect me with my automatic table for clamping the wheel, which I will demonstrate.

E. The Court to direct, and to make certain that I receive from Miss Bernadine Johnson, 190 Clinton Avenue, Newark, New Jersey, by mail, the Moore original patent No. 2,482,789, requesting that same be mailed to Mrs. Ida O. Creskoff, Clerk of the United States Court of Appeals, Philadelphia 7, Pennsylvania.

Decision of the Courts. The Honorable Thomas F. Meaney of the United States District Court for the District of New Jersey, and the Honorable Judges of the Court of Appeals for the Third Circuit, Judges Goodrich, McLaughlin, and Kalodner.

The Judges did not tell the truth when they said they find the "Stop pin" in the old patents. I do know the Judges should have specified the individual parts in their decision.

I do know the Judges cannot say a patent is invalid and have an understanding unless they point out each individual part.

I want to ask the Court to let me bring discrimination against the Judges for an unfair and dishonest hearing. Also I am asking the Supreme Court to refund my $500.00 placed as the original bond and also six years profit damage from the companies if my Pin or Pins are not invalid.

Since I am only fighting for my million dollar "stop pin" I ask the Honorable Court for their decision at the time of this hearing.

I am enclosing a reproduction print of the newest "Stop pin". This will show the clamping unit that has been already recognized in court.

I, ROOSEVELT MOORE, respectfully request, and hereby direct that in case of my demise, that any and all benefits received by way of Judgment or otherwise from this Honorable Court, be given to my family.

Respectfully submitted,

ROOSEVELT MOORE, *Pro Se*,
Plaintiff-Appellant.

## Final Judgment.

This cause having come on regularly to be heard on May 16, and 17, 1960, after consideration of all the evidence of the plaintiff and defendant, and the arguments of counsel for the plaintiff and defendant, orally and by brief, and after all due proceedings, it is ordered, adjudged and decreed:

1. United States Letters Patent in suit No. 2,482,789 is invalid for lack of patentable invention over the prior art and hence there can be no infringement thereof.

2. Even if Letters Patent No. 2,482,789 were valid none of the manufacture, use, sale or promotion of sale of the Coats device, as exemplified in Exhibits D-6, D-7, D-8 and D-11, constitute any infringement of said Letters Patent.

3. The Complaint herein is dismissed.

4. Costs shall be taxed against plaintiff.

THOMAS F. MEANEY,
U. S. D. J.

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**Sketch of Wheel Clamp.**

*(See Opposite ☞)*